

Appl. No. 10/565,381
Amdt. dated February 22, 2008
Reply to Office action of November 23, 2007

REMARKS

Claims 15-34 are pending in the application.

Reconsideration of the rejection of 15-22, 25, 26, and 31-33 under 35 U.S.C. 102(b) as being anticipated by US 5,376,270 to Spearman is respectfully requested.

Claim 15 is directed to a fuel filter comprising a filter housing, at least one substantially flat filter element contained in the housing, *a fuel inlet delivering fuel to be filtered into the housing and a fuel outlet delivering filtered fuel from the housing, and at least one wall encapsulating a side of the filter element, wherein the filter element and the at least one wall together constitute a filter insert which is inserted into the housing.*

Spearman discloses a filter assembly 20 having a filter housing 21 and a cover 60, a filter element 58 contained in the housing 21, and connections 30, 53, an encapsulated clean side is connected to the connection serving as the outlet 53 and an encapsulated dirty side that is connected to the connection serving as the inlet 30.

Contrary to the examiner's interpretation of the reference, the encapsulated sides are not part of the filter element as recited in the invention, but are instead part of the housing 25, 51.

The filter disclosed by Spearman is not used as a fuel filter and therefore lacks the required connections which are fuel inlets and outlets. Furthermore, Spearman lacks a wall encapsulating a side of the filter element, such that the filter element and wall together constitute a filter insert which is inserted into the housing.

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Therefore, Applicant believes that the present invention cannot be anticipated by Spearman and the current claims are distinguished over the prior art. Therefore, withdrawal of the rejection is respectfully requested.

Reconsideration of the rejection of claims 15, 20, 23, 24, 27-30, and 34 under 35 U.S.C. 102(b) as being anticipated by US 4,783,266 to Titch et al is respectfully requested. Titch et al discloses a fluid filter 10, having a filter housing 12, flat filter elements 30 contained in the housing 12, connections 22, 24, and flow baffles 26, 32.

However, Titch et al lacks the encapsulated dirty side being a part of the filter element as required in the claims.

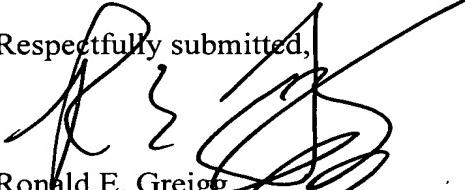
Titch et al lacks a fuel filter and connections which are fuel inlets and outlets. The reference fails to disclose a wall encapsulating a side of the filter element, such that the filter element and wall together constitute a filter insert which is inserted into the housing.

Therefore, Applicant believes that the present invention cannot be anticipated by Titch et al and the current claims are distinguished over the prior art. Therefore, withdrawal of the rejection and allowance of the claims is respectfully requested.

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The above amendments are being made to place the application in better condition for examination.

Entry of the amendment is respectfully solicited.

Respectfully submitted,

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